

ESTTA Tracking number: **ESTTA370648**

Filing date: **09/28/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	77534661
Applicant	Natural Balance Pet Foods, Inc.
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Submission	Reply Brief
Attachments	Know.Reply Brief.pdf (3 pages)(72890 bytes)
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Date	09/28/2010

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Application of:)	TRADEMARK LAW OFFICE 102
)	
Natural Balance Pet Foods, Inc.)	Trademark Attorney:
)	Cimmerian Coleman
)	
Serial No. 77/534,661)	(571) 272-9146
)	
Filed: 07/30/2008)	
)	
Mark: KNOW THAT YOUR PET FOOD)	
HAS BEEN TESTED.)	

APPELLANT'S REPLY BRIEF

I.

INTRODUCTION

The Examining Attorney's appeal brief was mailed from the Trademark Office on September 8, 2010. Appellant's are given a period of twenty (20) days from the date of mailing to file a reply brief. Therefore, the deadline for filing the reply brief is September 28, 2010. This reply brief is being filed electronically with the Trademark Trial and Appeal board on September 28, 2010.

II.

RESPONSE TO EXAMINING ATTORNEY'S APPEAL BRIEF

The Appellant has very carefully studied what the Examining Attorney has said in

1 the Examining Attorney's appeal brief and respectfully disagrees with the Examining
2 Attorney. An examination of the display clearly shows the mark "KNOW THAT YOUR
3 PET FOOD HAS BEEN TESTED" by itself prominently displayed at the top of the display.
4 The lettering is much larger than the other letters on the display and clearly shows the use as
5 a trademark. The fact that the display contains other information concerning "log onto
6 www.naturalbalance.net then check your products in 3 easy steps!" does not mean that the
7 phrase "KNOW THAT YOUR PET FOOD HAS BEEN TESTED" is informational.
8
9 Clearly, the use is in conformity with proper trademark use. The mark is used by itself, not
10 part of a sentence and not part of an informational brochure and is clearly set forth in
11 prominent letters at the top of the display to clearly show the mark as a source identifier.
12
13 Therefore, it is respectfully submitted that the Applicant is correct in that the mark is used as
14 a trademark and not simply as a source of information as alleged by the Examining
15 Attorney.
16

17 ///

18 ///

19 ///

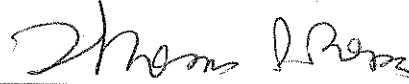
III.

CONCLUSION

For all of the above reasons, it is respectfully submitted that the Trademark Trial and Appeal Board should reverse the Examining Attorney and allow this trademark registration to issue.

Respectfully submitted,

ROZSA LAW GROUP LC



Date: September 28, 2010

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